

Honorable Richard A. Jones

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

DEBORAH H. BEATON,

Plaintiff,

v.

JPMORGAN CHASE BANK N.A.,
NORTHWEST TRUSTEE SERVICES, INC.

Defendant.

NO. 11-CV-0872-RAJ

**DECLARATION OF BARBARA
L. BOLLERO IN SUPPORT OF
DEFENDANT CHASE'S
OPPOSITION TO PLAINTIFF'S
MOTION FOR RELIEF FROM
DEADLINE RE CHASE'S FRCP
12(b)(6) MOTION TO DISMISS
PLAINTIFF'S [FIRST] AMENDED
COMPLAINT FOR DAMAGES**

NOTING DATE: February 3, 2012

I, Barbara L. Bollero, declare and state as follows:

1. I am an attorney at law duly licensed to practice before all the Courts of the State of Washington, and am one of the attorneys of record herein for Defendant JPMorgan Chase Bank, N.A. ("Chase"). I have personal knowledge of the facts attested herein and, if called to testify to them, could and would do so competently.

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1 2. As of the date of drafting the present Declaration, January 30, 2012, our
2 office has received no opposition pleadings from Plaintiff, Deborah Beaton, to Chase's
3 FRCP 12(b)(6) Motion to Dismiss Plaintiff's [First] Amended Verified Complaint for
4 Damages [Dkt. 34].

5 3. Late the afternoon of the due date for Plaintiff's opposition pleadings, at
6 approximately 4:15 p.m. on Monday, January 23, 2012, I received a telephone call from
7 someone who identified herself as Victoria, the Judge's Clerk in this matter. Victoria
8 informed me that Ms. Beaton had communicated *ex parte* with the Court, I believe by way of
9 a telephone call, and requested an extension to file her opposition, because she had
10 experienced a power outage due to the winter storm the preceding week. Victoria stated that
11 Ms. Beaton had been informed she would need to file a motion for relief from the deadline. I
12 mentioned to Victoria that such filing may be unnecessary, as the parties may be willing to
13 stipulate to the requested relief.

14 4. Immediately after speaking with Victoria, I communicated with Ms. Beaton
15 by sending an email to both her home and work addresses that she had provided to me
16 previously for litigation communication. In that email, I suggested the parties may be willing
17 to stipulate to extend time for filing of her opposition, and invited communication on the
18 issue. A true and correct copy of that email communication is attached hereto, marked as
19 Exhibit A.
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1 5. In sending the email to Ms. Beaton, I set the parameters of our office's email
2 system to automatically generate both a delivery and read receipt for the message, confirming
3 that she had received and opened the communication. I did receive the requested
4 automatically generated confirmations, indicating that she received and opened the email
5 immediately after it was sent. A true and correct copy of both confirmations is attached
6 hereto, marked as Exhibit B.

7 6. Despite receiving and opening the communication from me offering to extend
8 the filing deadline, Ms. Beaton never responded to it.

9 7. I am aware from previous communications that Ms. Beaton is employed at
10 Highline Hospital or at one of the related nearby Highline medical facilities in Burien,
11 Washington. In addition, the property that is the subject of this litigation and in which Ms.
12 Beaton has alleged she resides is located in Des Moines, Washington.

13 8. Based on published news reports, I have been informed, believe, and on that
14 basis allege that parts of south King County were without power for a maximum period of
15 four days after the winter storm the week of January 16, 2012. Accordingly, I believe if Ms.
16 Beaton lost power, that period should have been no longer than four days.

17 9. I was at Highline Hospital for a minor medical procedure from approximately
18 8:00 a.m. to 12:00 noon on Tuesday, January 17, 2012. Both the hospital and the surrounding
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1 area did not appear to be experiencing a power outage at that time, nor did any of the several
2 staff members I interacted with that morning mention such an outage.

3 I declare under the penalty of perjury under the laws of the State of Washington and
4 the United States of America that the foregoing is true and correct.

5 Dated this 30th day of January, 2012, at Seattle, Washington.

6
7 /s/ Barbara L. Bollero

8 Barbara L. Bollero, WSBA #28906

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